REMARKS

The present application has been reviewed in light of the Office Action dated July 7, 2009. Claims 1-5, 9-36, and 38-50 are presented for examination, of which Claims 1 and 38 are in independent form. Claims 1, 3, 4, 9-36 and 38 have been amended to improve their form and/or define Applicant's invention more clearly. Favorable reconsideration is requested.

Claims 1-5, 9-36 and 38-50 are rejected under 35 U.S.C. § 101. Claim 1 has been amended to recite the central repository configured on a server. Claim 38 has been amended to include the method being performed on at least one processor. Applicants submit that the amendments to independent Claims 1 and 38 overcome the § 101 rejection. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

The Office Action states that Claims 1, 2, 5, 9, 11-23, 34, 38, 43-44 and 49-50 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,907,566 (McElfresh et al.) in view of U.S. Patent No. 5,696,965 (Dedrick); that Claims 3, 4 and 24-36 are rejected under § 103(a) as being unpatentable over McElfresh et al. in view of Dedrick and further in view of U.S. Patent Publication No. 2001/0018665 (Sullivan et al.); that Claims 42 and 48 are rejected under § 103(a) as being unpatentable over McElfresh et al. in view of Dedrick and further in view of U.S. Patent No. 6,598,024 (Walker et al. '024); that Claims 5, 43-44 and 49-50 are rejected under § 103(a) as being unpatentable over McElfresh et al. in view of Dedrick; that Claim 10 is rejected under § 103(a) as being unpatentable over McElfresh et al. in view of Dedrick and further in view of U.S. Patent Publication No. 2002/0077964 (Brody et al.); and that Claims 39, 41 and 45-47 are rejected under § 103(a) as being unpatentable over McElfresh et al. in view of Dedrick and further in view of U.S. Patent No. 6,018,718 (Walker et al. '718). Applicants submit that independent Claims 1 and 38, together with the claims

dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

McElfresh relates to a method for optimizing a placement of an advertisement on a webpage such that an incidence of a user clicking an event associated with the advertisement is more likely to occur. *See* Column 1, lines 8-14 of McElfresh et al. McElfresh et al. discusses performing ranking calculations for ads based upon a user. However, as noted on page 6 of the Office Action, McElfresh et al. fails to teach or suggest a centralized repository is further configured to store a set of offer details and the set of offer details includes at least a description of qualifying offerees, as specifically recited in Claim 1 and similarly recited in Claim 38.

Dedrick fails to remedy the above-noted deficiency of McElfresh et al. Dedrick relates to an electronic information appraisal agent which operates an electronic information distribution system. Requests for electronic information are transferred from an appraisal agent to an electronic information server which compares the contents of the server to a set of search criteria. Dedrick, however, fails to teach or suggest a centralized repository is further configured to store a set of offer details and the set of offer details includes at least a description of qualifying offerees, as specifically recited in Claim 1 and similarly recited in Claim 38.

The Office Action relies on Sullivan et al. for disclosing the above-noted deficiencies of McElfresh et al. and Dedrick. Applicants respectfully disagree. Sullivan et al. relates to a system and method for administering scan-based promotions. Promotions are stored in a database server 32. An account administrator may enter in the database server 32 the one or more products for a promotion and enter a payment value which the manufacturer will pay a retailer on the discount. *See* page 7, paragraph [0072] of Sullivan et al. Then, as discussed in paragraph [0087], on the day of the promotion, the check-out stations in the retailer's stores 28

credit consumers with appropriate discounts. However, Sullivan et al. is silent regarding a centralized repository that is further configured to store a set of offer details and the set of offer details includes at least a description of qualifying offerees, as specifically recited in Claim 1 and similarly recited in Claim 38.

Further, one of ordinary skill in the art would not be motivated to combine the teachings of McElfresh et al., Dedrick and Sullivan et al. McElfresh et al. merely discloses ranking the advertisements to be presented to a user based upon a calculated click through percentage. Dedrick discloses displaying specific advertisements meeting certain search criteria. Sullivan et al., however, does not present advertisements to a consumer. Rather, a retailer's point-of-sale system is updated with current promotions so that when a product is scanned, the promotion is applied. Nothing in Sullivan et al. presents an advertisement to a consumer as in McElfresh et al. and Dedrick.

A review of the remaining art, Walker et al. '024, Brody et al. and Walker et al. '718, has failed to reveal anything that, in Applicants' opinion, would remedy the above-noted deficiencies of McElfresh et al., Dedrick and Sullivan et al., as applied against the claims herein. Accordingly, Applicants submit that Claims 1 and 38 are patentable over the cited art and respectfully request reconsideration and withdrawal of the rejections of Claim 1 and 38 under 35 U.S.C. § 103(a).

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and an early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for this Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 06-1205.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

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